

VIRGINIA:

IN THE CIRCUIT COURT FOR THE CITY OF ROANOKE

ANGELA PATTERSON

Plaintiff

v.

SAM'S EAST, INC. d/b/a SAM'S CLUB

**1455 Towne Square Blvd.
Roanoke, VA 24012**

Registered Agent:

CT Corporation System
4701 Cox Road, Suite 285
Glen Allen, VA 23060

Case No. CL 19-755

JURY TRIAL DEMANDED

SAM'S REAL ESTATE BUSINESS

**TRUST
1455 Towne Square Blvd.
Roanoke, VA 24012**

Registered Agent:

CT Corporation System
4701 Cox Road, Suite 285
Glen Allen, VA 23060

WALMART INC. d/b/a SAM'S CLUB

**1455 Towne Square Blvd.
Roanoke, VA 24012**

Registered Agent:

CT Corporation System
4701 Cox Road, Suite 285
Glen Allen, VA 23060

WAL-MART STORES EAST, LP

**702 SW 8th Street
Bentonville, AR 72716**

Registered Agent:

CT Corporation System
4701 Cox Road, Suite 285
Glen Allen, VA 23060

**LICHENSTEIN
LAW GROUP, INC.**
ATTORNEYS AND COUNSELORS AT LAW
P.O. Box 601
Roanoke, VA 24004-0601

EXHIBIT

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WAL-MART STORES EAST, INC.)
702 SW 8th Street)
Bentonville, AR 72716)
 Registered Agent:)
 Beverley L. Crump (resigned))
 Bank of America Center, 16th Floor)
 1111 East Main Street)
 Richmond, VA 23219)
SERVE: Office of the Clerk)
 State Corporation Commission)
 1300 East Main Street)
 Tyler Building, 1st Floor)
 Richmond, VA 23219)
WAL-MART ASSOCIATES, INC.)
702 SW 8th Street)
Bentonville, AR 72716)
 Registered Agent:)
 CT Corporation System)
 4701 Cox Road, Suite 285)
 Glen Allen, VA 23060)
JOHN DOE)
JANE DOE)
Defendants.)

COMPLAINT

The plaintiff, Angela Patterson ("Plaintiff" or "Mrs. Patterson"), by counsel, files this Complaint against the defendants, Defendant Sam's East, Inc., d/b/a Sam's Club; Defendant Sam's Real Estate Business Trust; Defendant Walmart Inc., d/b/a Sam's Club; Defendant Wal-Mart Stores East, LP; Defendant Wal-Mart Stores East, Inc.; Defendant Wal-Mart Associates, Inc.; John Doe; and Jane Doe (collectively, "Defendants"), and moves the Court for judgment against them, individually, jointly, and severally on the grounds and in the amount as hereinafter set forth.

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1. On information and belief, Defendant Sam's East, Inc., d/b/a Sam's Club, is an Arkansas corporation that owns, operates, and/or manages a store location known as

“Sam’s Club” in Roanoke, Virginia and/or that manages the employees who work at such location.

2. On information and belief, Defendant Sam’s Real Estate Business Trust is a Delaware business trust that owns 1455 Towne Square Boulevard, in the city of Roanoke, Virginia, including the real property and all improvements on such property, including the store known as “Sam’s Club,” also known as facility number 8220.

3. On information and belief, Defendant Walmart Inc., d/b/a Sam’s Club, is a Delaware corporation that owns, operates, and/or manages a store location known as “Sam’s Club” in Roanoke, Virginia and/or that manages the employees who work at such location.

4. On information and belief, Defendant Wal-Mart Stores East, LP is a Delaware limited partnership that owns, operates, and/or manages a store location known as “Sam’s Club” in Roanoke, Virginia and/or that manages the employees who work at such location.

5. On information and belief, Defendant Wal-Mart Stores East, Inc. is a Delaware corporation that owns, operates, and/or manages a store location known as “Sam’s Club” in Roanoke, Virginia and/or that manages the employees who work at such location.

6. On information and belief, Defendant Wal-Mart Associates, Inc. is a Delaware corporation that owns, operates, and/or manages a store location known as “Sam’s Club” in Roanoke, Virginia and/or that manages the employees who work at such location.

7. Hereinafter, Defendant Sam’s East, Inc., d/b/a Sam’s Club; Defendant Sam’s Real Estate Business Trust; Defendant Walmart Inc., d/b/a Sam’s Club; Defendant Wal-Mart Stores East, LP; Defendant Wal-Mart Stores East, Inc.; and Defendant Wal-Mart Associates, Inc. are referred to as “Business Entity Defendants.”

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8. Hereinafter, "Sam's Club" refers to the store located at 1455 Towne Square Boulevard; in the City of Roanoke, Virginia, also known as facility number 8220.

9. On information and belief, Defendants John Doe and/or Jane Doe (hereinafter "Individual Defendants") are employees, representatives, independent contractors, and/or agents of one or more of Business Entity Defendants (and/or of an entity owned by one or more of Business Entity Defendants); are residents and/or citizens of Virginia and are domiciled in Virginia; and were at Sam's Club on May 10, 2018, in such capacity and acting within the scope of such employment/agency/ contract relationship. It is anticipated that the identities, including the names and addresses, of Individual Defendants will be learned in discovery in this matter.

10. On information and belief, employees and/or agents of one or more of Business Entity Defendants, including but not limited to Individual Defendants, were at all times relevant to this Complaint acting within the course and scope of such employment and/or agency relationship at Sam's Club on May 10, 2018. As such, in addition to being liable to Plaintiff Angela Patterson ("Mrs. Patterson") for its own negligence, each of Business Entity Defendants is vicariously liable under the doctrine of *respondeat superior* for its employees' and/or agents' negligence in regard to Mrs. Patterson.

11. On May 10, 2018, Mrs. Patterson arrived at Sam's Club as a patron and as a valid "Sam's Club member" with respect to the "membership" that is required for entry and/or making purchases at Sam's Club and that requires a fee, which Mrs. Patterson had paid in full for the term that includes May 10, 2018. As such, Mrs. Patterson was an invitee of Defendants.

12. At all times on May 10, 2018 while Mrs. Patterson was on the premises at Sam's Club, Sam's Club was open to its members, including Mrs. Patterson.

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13. Mrs. Patterson used ordinary care while she was at Sam's Club on May 10, 2018, and she acted in all respects consistent with and within the scope of her invitation to be there.

14. On May 10, 2018, Mrs. Patterson was walking in Sam's Club when she suddenly slipped on grapes and/or a slippery substance that were on the floor. She fell, causing her to sustain severe and permanent injuries.

15. On information and belief, at such time, the floor of the area where Mrs. Patterson fell was in a dangerous and unsafe condition in that there were grapes and/or a slippery substance on the floor. On information and belief, Defendants knew of such dangerous and unsafe condition and/or it had existed long enough that Defendants, by exercise of ordinary diligence, should have known of it. However, Mrs. Patterson did not know of such dangerous and unsafe condition, which was not open and obvious to her.

16. Defendants had the duty:

a. to use ordinary care to keep the subject premises, including the floor of the area where Mrs. Patterson fell, in a reasonably safe condition for the use of Mrs. Patterson and other invitees;

b. to use ordinary care to warn Mrs. Patterson and other invitees of any hidden dangerous conditions about which Defendants knew or by the exercise of ordinary care should have known; and

c. to use ordinary care to discover dangerous conditions that had existed for a length of time such that Defendants by the exercise of ordinary care would have discovered such dangers, and to make them safe for invitees.

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17. Defendants (including their employees and/or agents acting in the course and scope of employment and/or agency) breached their duties, and thus were negligent as follows:

- a. by failing to use ordinary care to keep the subject premises reasonably safe for Mrs. Patterson and other invitees;
- b. by failing to properly inspect, clean, and/or maintain the floor in the area where Mrs. Patterson fell;
- c. by failing to use ordinary care to warn Mrs. Patterson and/or other invitees of the dangerous condition of the floor where Mrs. Patterson fell;
- d. by breaching their duties in the above-described ways despite Defendants being on actual and/or constructive notice of the dangerous condition of the floor; and/or
- e. by other negligent acts and/or omissions.

18. As a direct and proximate result of the negligence of Defendants and/or of their employees and/or agents, Mrs. Patterson has sustained serious and permanent physical injuries and damage; has suffered and will continue to suffer great mental, physical, and/or emotional pain, distress, suffering, and anguish; has been prevented from and will continue to be prevented from transacting her daily routine; has incurred and will continue to incur medical expenses; and has incurred other pecuniary losses.

WHEREFORE, Mrs. Patterson respectfully moves the Court for judgment against the Defendants, individually, jointly, and severally, in the amount of Two Million Dollars (\$2,000,000.00) and her costs in this behalf expended, all with interest from May 10, 2018, and post-judgment interest as provided for by law.

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ANGELA PATTERSON

By: 
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